IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.569 OF 2004

Mahesh Kashinath Sapkale .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for the Petitioner.
Mr.S.R.Nargolkar, AGP for Res.Nos.1, 3 and 4.
Mr.V.A.Gangal for Res.No.2.
Mr.M.D.Siodia with Mr.D.K.sukla for Res.No.5.
Mr.G.S.Godbole with Mr.Ulhas Naik for Res.No.6.

CORAM: S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

DATE : 6.12.2004.

P.C.:

1. Heard the learned Counsel for the parties. By this Petition, the Petitioner is challenging an order dated 30th June, 2003 passed by Respondent No.2 - Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, whereby the claim of the Petitioner that he belongs to Tokare Koli, Scheduled Tribe, is held to be invalid.

2. The main contention of the learned Counsel for the Petitioner is that the Petitioner was not heard at all by the Respondent No.2-Committee and thereby the principles of natural justice have been violated. With regard to the said contention, the affidavit in reply filed by Respondent No.2 Committee dated 29th October, 2004 makes it abundantly clear in Paragraph No.2 that the Petitioner had an opportunity to appear before the said Committee on 29.8.2002, 17.9.2002, 1.10.2002 & 19.10.2002 and on each & every occasion it appears that

the Petitioner was given atleast 15 days time for filing the reply. It appears that the Petitioner deliberately did not appear before the said Committee. Over and above, the affidavit in reply also indicates that even though a copy of the Vigilance Committee's Report was sent to the Petitioner, the Petitioner did not file any reply. The investigation conducted by Respondent No.2 through its its Vigilance Officer clearly indicates that the Petitioner belongs to Hindu Koli caste and he was not a Tokare Koli as stated in paragraph No.4 of the said affidavit in reply.

3. The next contention of the learned Counsel for the Petitioner is that the Respondent No.2 Committee has no jurisdiction to investigate with regard to the caste certificate pertaining to LPG dealership and he sought to contend that the verification of caste certificate of the Petitioner by the District Magistrate was right and proper. The learned Counsel for the Petitioner referred to the letter dated 4.12.2001 issued by the office of the District Magistrate, Thane to the Chief Regional Manager, Hindustan Petroleum Corporation Limited (Respondent No.5 herein), stating that the caste certificate relied upon by the Petitioner was a genuine certificate in the sense that the same was issued by the Executive Magistrate of Kalyan. In this connection it may be noted here that the investigation done by the District Magistrate is very limited to the extent of verifying the authenticity of the certificate and not the claim whether the Petitioner really belongs to

Tokare Koli. Obviously only the statutory body with regard to such investigation is Respondent No.2 - Committee, and the Respondent No.5 being the Public Corporation had rightly referred the same for verification. Under these circumstances, we find that the above petition is totally devoid of merits and hence, the same stands dismissed.

4. The learned Counsel for the Petitioner states that the Petitioner will hand over the premises back to Respondent No.5 within a period of three months from today.

.....